

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EPHRAIM POSTELL,)	
)	
Plaintiff,)	CIVIL ACTION
)	NO. _____
v.)	
)	DEMAND FOR JURY TRIAL
RYDER TRUCK RENTAL, INC.)	
AND HARLEYSVILLE MUTUAL)	
INSURANCE COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW defendants Ryder Truck Rental, Inc. (“Ryder”) and Harleysville Mutual Insurance Company (“Harleysville”) and, pursuant to 28 U.S.C. §§ 1441 and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On July 29, 2011, plaintiff Ephraim Postell filed a complaint in the Superior Court of Gwinnett County, Georgia Civil Action No. 11A-08272-9, which county is within the Atlanta Division of the Northern District of Georgia.

2.

Ryder was served with the complaint on August 4, 2011. Harleysville was served on August 2, 2011.

3.

True and correct copies of all process, pleadings, and orders served on defendants in connection with this action are attached hereto as Exhibit A. Defendants have no knowledge of any other process, pleadings, or orders served in connection with this action, other than those attached hereto.

4.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

5.

There is complete diversity among the parties.

6.

Plaintiff is a resident of the State of Georgia. (Compl., ¶ 1.) Ryder is a company formed and existing under the laws of the State of Florida, with its principal place of business in Miami, FL. Harleysville is a company formed and existing under the laws of the State of Pennsylvania and has its principal place of business in Harleysville, PA. (Compl., ¶ 4.) See 28 U.S.C. § 1441(a).

7.

It is facially apparent from the allegations in plaintiff's complaint that plaintiff is seeking recovery from defendants for an amount in excess of \$75,000, exclusive of interest and costs. Specifically, "[p]laintiff demands judgment against Defendant in the amount of TWO MILLION DOLLARS (\$2,000,000.00) plus interest, costs and any other relief this Court deems appropriate." (Compl., ¶ 40; prayer.)

8.

Plaintiff is seeking general and special damages. Plaintiff claims she suffered personal injuries for which she has incurred medical expenses. (Compl., ¶ 40.)

9.

All defendants consent to this removal.

10.

Defendants hereby certify that they have given notice of the filing of this Notice of Removal to plaintiff and have filed a written notice with the Clerk of the Superior Court of Gwinnett County, a copy of which is attached hereto as Exhibit B.

11.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact; is warranted by existing law; and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this Notice of Removal having been filed, said action shall proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and no further proceedings shall be held in said case in the Superior Court of Gwinnett County.

FREEMAN MATHIS & GARY, LLP

/s/ Matthew P. Stone

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **NOTICE OF REMOVAL** by depositing a true and correct copy thereof in the United States mail, postage prepaid, properly addressed upon:

James O. Greason, Esq.
GREASON & ASSOCIATES, P.C.
5300 Memorial Drive, Suite 140
Stone Mountain, GA 30083
jamesgreasonlaw@att.net

This 30th day of August, 2011.

/s/ Matthew P. Stone

Matthew P. Stone
Georgia Bar No. 684513

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